

1                         UNITED STATES DISTRICT COURT  
2                         NORTHERN DISTRICT OF OHIO  
2                         WESTERN DIVISION

3      UNITED STATES OF AMERICA,      - Docket No. 3:06-CR-719  
4  -  
4      Plaintiff,                      - Toledo, Ohio  
5  - May 8, 2008  
5      v.                              - Trial  
6  -  
6      MOHAMMAD ZAKI AMAWI, et al., -  
7  -  
7      Defendants.                      -  
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8   VOLUME 48, TRANSCRIPT OF TRIAL  
9   BEFORE THE HONORABLE JAMES G. CARR  
10  UNITED STATES DISTRICT CHIEF JUDGE, AND A JURY

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Proceedings recorded by mechanical stenography, transcript  
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1 (Reconvened at 1:08 p.m.)

2 THE COURT: You remain under oath.

3 - - -

4 MIKAEIL ALMOZROUEI, CONTINUED CROSS-EXAMINATION

5 BY MR. BRYAN:

6 Q. Good afternoon, Mr. Almozrouei. Sir, just prior to the

-13:-08:-44 7 break we were talking about Mohammad Amawi and how he used to  
-13:-08:-44 8 sit on his computer and debate other people from around the  
-13:-08:-44 9 world.

-13:-08:-44 10 Do you recall that?

-13:-08:-44 11 A. Yes.

00:00:28 12 Q. And the computer chat room he was doing it through was  
-13:-08:-44 13 Pal Talk, correct?

00:00:35 14 A. I wasn't paying attention, but perhaps.

-13:-08:-44 15 Q. But he actually was able to use the microphone to speak  
-13:-08:-44 16 into the computer?

-13:-08:-44 17 A. That's correct.

-13:-08:-44 18 Q. So he was actually having conversations through the  
00:00:46 19 computer; is that correct?

-13:-08:-44 20 A. Yes.

-13:-08:-44 21 Q. And sometimes he'd be typing at the same time?

-13:-08:-44 22 A. That's right.

-13:-08:-44 23 Q. That's also the times that he would maybe be cutting and  
00:00:54 24 sending, e-mailing clips and things like that back and forth  
-13:-08:-44 25 with the people that he was talking to, correct?

-13:-08:-44 1 A. I don't remember that part.

00:01:03 2 Q. Do you remember him having a debate with a Christian by

-13:-08:-44 3 the name of Adam 831 screen name?

-13:-08:-44 4 A. Sounds familiar.

-13:-08:-44 5 Q. And do you remember it being around the same time as

-13:-08:-44 6 these beheading videos being played and him showing you the

-13:-08:-44 7 Christian atrocities and things like that from around the world?

-13:-08:-44 8 A. Yes.

00:01:23 9 Q. Do you remember a time when you were walking by --

-13:-08:-44 10 Now, he had a bottom floor apartment; is that

00:01:30 11 correct?

00:01:30 12 A. That's correct.

-13:-08:-44 13 Q. When you were walking by his apartment window where he

-13:-08:-44 14 was sitting at his computer and he yelled out to you to come

-13:-08:-44 15 over to his window, do you recall that?

-13:-08:-44 16 A. Yes.

00:01:40 17 Q. And the reason he was calling you over is because he had

00:01:43 18 Adam 831 on his computer at that time, correct?

00:01:47 19 A. I guess.

00:01:49 20 Q. And Adam?

-13:-08:-44 21 THE COURT: When you say you guess, did you know

-13:-08:-44 22 or...

-13:-08:-44 23 THE WITNESS: I mean I don't remember.

-13:-08:-44 24 THE COURT: Okay. Then the jury will disregard the

-13:-08:-44 25 answer.

-13:-08:-44 1 BY MR. BRYAN:

-13:-08:-44 2 Q. Do you remember coming over to his window?

-13:-08:-44 3 A. I remember coming to his window and him calling me, yes.

-13:-08:-44 4 Q. Do you remember him holding the microphone to the screen

-13:-08:-44 5 and you were able to talk to someone through the computer?

00:02:13 6 A. I remember talking to someone on the computer when I was

-13:-08:-44 7 in his apartment.

00:02:18 8 Q. Do you remember him referring about this gentleman Adam

-13:-08:-44 9 831 who had previously been a Christian just converting to Islam

-13:-08:-44 10 then you speaking to Adam 831 about that?

00:02:32 11 MR. MILLER: Objection relevance.

-13:-08:-44 12 THE COURT: I would tend to agree. If you want to

00:02:36 13 approach.

00:02:37 14 (Whereupon the following discussion was had at the

00:05:21 15 bench outside the hearing of the jury:)

00:05:21 16 THE COURT: Where are you going with that?

-13:-08:-44 17 MR. BRYAN: Let me preface what I'm about to say by

-13:-08:-44 18 the concept of relevance. Relevance.

-13:-08:-44 19 THE COURT: Where are you going? I know the

-13:-08:-44 20 concept of relevance.

-13:-08:-44 21 MR. BRYAN: Where I'm going, Your Honor, is that

-13:-08:-44 22 the government has presented a tremendous amount of evidence

-13:-08:-44 23 from Mr. Griffin that Mr. Amawi spent a tremendous amount of

-13:-08:-44 24 time on his computer and that he did so for sinister motives,

-13:-08:-44 25 that he was attempting to be able to do certain things through

-13:-08:-44 1 the downloading of videos, learning from the videos supporting  
-13:-08:-44 2 the Jihad in Iraq and things like this. This is an example of  
-13:-08:-44 3 Mr. Amawi spending a lot of time on the computer where he's  
-13:-08:-44 4 doing something that was non-sinister.

-13:-08:-44 5 As it relates to relevance, what I was about to say  
-13:-08:-44 6 is that when it comes to relevance, relevance according to the  
-13:-08:-44 7 government is very easily understood. That's anything that has  
-13:-08:-44 8 a tendency to show the defendant committed the crime or was  
-13:-08:-44 9 about to commit the crime. As it relates to defense, Your  
-13:-08:-44 10 Honor, sometimes relevance is a little bit more of a subtle  
-13:-08:-44 11 concept.

-13:-08:-44 12 THE COURT: I understand that. My point simply is  
-13:-08:-44 13 what he and this person were talking about, I don't see what the  
-13:-08:-44 14 relevance of that is. I think you can ask, did they have a  
-13:-08:-44 15 discussion as far as you heard that was entirely -- appeared to  
-13:-08:-44 16 be entirely a religious discussion? And on occasion did you  
-13:-08:-44 17 hear other conversations of this sort?

-13:-08:-44 18 MR. MILLER: This goes back to a point that was  
-13:-08:-44 19 made about a month ago when we were talking about recordings.  
-13:-08:-44 20 Mr. Sofer I think articulated there's case law, and this is sort  
-13:-08:-44 21 of an obvious proposition, that the defense doesn't get to play  
-13:-08:-44 22 recordings, for example, every time there's nothing going on.

-13:-08:-44 23 MR. BRYAN: This isn't nothing going on.

-13:-08:-44 24 MR. MILLER: Let me finish.

-13:-08:-44 25 THE COURT: It is part of the theme that what the

-13:-08:-44 1 conversations ultimately weren't religious or ideological.

-13:-08:-44 2 MR. HARTMAN: Do you mind if I add something? Mr.

-13:-08:-44 3 Sofer's example was about four hours about --

-13:-08:-44 4 THE COURT: We don't need anything supplemental

-13:-08:-44 5 right now.

-13:-08:-44 6 (End of sidebar).

00:05:25 7 THE COURT: Why don't you rephrase the question.

-13:-08:-44 8 I overruled the objection. I can't really remember the

-13:-08:-44 9 question.

00:05:34 10 MR. BRYAN: Thank you, Your Honor.

00:05:34 11 BY MR. BRYAN:

-13:-08:-44 12 Q. So Mr. Almozrouei, you recall this incident where you

00:05:39 13 actually were able to have a conversation with somebody that Mr.

-13:-08:-44 14 Amawi recently converted to Islam?

-13:-08:-44 15 A. Yes.

-13:-08:-44 16 Q. Do you recall this person being this Adam 831?

-13:-08:-44 17 A. That sounds familiar.

00:05:51 18 Q. Mr. Almozrouei, you know Darren Griffin, correct?

-13:-08:-44 19 A. That's correct.

-13:-08:-44 20 Q. You also know him as Bilal Griffin?

00:05:58 21 A. Yes.

-13:-08:-44 22 Q. You met Mr. Griffin at the Mosque of -- one of the

-13:-08:-44 23 Mosques in Toledo, correct?

00:06:04 24 A. Yes.

-13:-08:-44 25 Q. And Mr. Griffin at the Mosque would sometimes advertise

00:06:08 1 that he owned a private security company; is that correct?

-13:08:-44 2 A. Yes.

-13:08:-44 3 Q. And he also would pass out his cards at the Mosque about

-13:08:-44 4 his private security company as well, correct?

-13:08:-44 5 A. Yes.

-13:08:-44 6 Q. And his card said something like Direct Action Security

-13:08:-44 7 on them?

-13:08:-44 8 A. I don't remember. I'll take your word for it.

-13:08:-44 9 Q. And he sort of promoted himself as someone having a

00:06:28 10 company that could provide VIP protection to dignitaries and

-13:08:-44 11 things like that, correct?

00:06:33 12 A. I mean I don't remember exactly what it was about.

-13:08:-44 13 Q. But you remember it being about a security company?

-13:08:-44 14 A. Yes.

-13:08:-44 15 Q. Were you aware that he also invited people to go to the

-13:08:-44 16 local shooting range, Cleland's?

-13:08:-44 17 A. Yes.

-13:08:-44 18 Q. And, in fact, he discussed with you his security company

-13:08:-44 19 and he invited you to go to Cleland's to shoot with him as well,

-13:08:-44 20 correct?

-13:08:-44 21 A. Yes.

-13:08:-44 22 Q. And you did go, in fact, with him to Cleland's and shoot

-13:08:-44 23 with him?

00:06:57 24 A. Yes, twice.

00:06:58 25 Q. You went with him on two occasions?

-13:-08:-44 1 A. Uh-huh.

-13:-08:-44 2 Q. Thank you, sir.

00:07:04 3 Now, Mr. Griffin in June or in the summer, the  
00:07:07 4 beginning of the summer, end of spring, 2004, started spending  
-13:-08:-44 5 time with Mr. Amawi at Shaftsbury; is that correct? Do you  
00:07:19 6 recall seeing him there?

-13:-08:-44 7 A. I recall seeing him there.

-13:-08:-44 8 Q. Do you recall a time in -- sometime in the early summer  
00:07:25 9 sitting with Mr. Griffin and Mr. Amawi and Mr. Amawi's aunt, and  
-13:-08:-44 10 maybe a couple other people, in Mr. Amawi's apartment discussing  
00:07:35 11 things one night?

00:07:36 12 A. No.

-13:-08:-44 13 Q. Do you recall going to a movie with that group of  
-13:-08:-44 14 people?

00:07:41 15 A. Yes.

00:07:42 16 Q. And before you went to that movie, were you sitting in  
-13:-08:-44 17 Mr. Amawi's apartment just generally socializing?

-13:-08:-44 18 A. Yes.

00:07:52 19 Q. I'm talking about generally socializing. Is it threw  
00:07:57 20 sometimes in the Arabic culture that people love to talk about  
00:08:00 21 politics?

00:08:02 22 MR. MILLER: Objection.

00:08:06 23 THE COURT: I would agree. The jury will disregard  
-13:-08:-44 24 the question and answer.

00:08:12 25 MR. BRYAN: I'll move on.

00:08:14 **1** BY MR. BRYAN:

00:08:14 **2** Q. Do you recall this Fahrenheit 911 -- strike that.

-13:-08:-44 **3** Did I ask you what movie you guys went to see yet?

-13:-08:-44 **4** A. No.

00:08:23 **5** Q. I don't recall. The movie that you were going to see

-13:-08:-44 **6** was Fahrenheit 9/11, correct?

-13:-08:-44 **7** A. Yes.

00:08:30 **8** Q. And the individuals who were with you and Mr. Amawi in

-13:-08:-44 **9** his apartment at the time before you went to that movie was Mr.

-13:-08:-44 **10** Amawi, yourself, Mr. Griffin, and Mr. Amawi's aunt. Do you

-13:-08:-44 **11** recall that?

-13:-08:-44 **12** A. Yes.

00:08:43 **13** Q. And Mr. Griffin drove everybody -- do you remember it

-13:-08:-44 **14** being, like, June, 2004?

00:08:50 **15** A. I don't recall.

00:08:53 **16** Q. But he's the one that drove everybody over to the

00:08:56 **17** theater complex to see the movie Fahrenheit 9/11?

00:09:01 **18** A. Yes.

-13:-08:-44 **19** Q. Most people already know this, but Fahrenheit 9/11 is a

-13:-08:-44 **20** Michael Moore produced movie. It was critical of the Bush

00:09:11 **21** Administration's war on Iraq?

-13:-08:-44 **22** A. Yes.

00:09:13 **23** Q. It's sort of presented as is a documentary about what's

00:09:16 **24** going on in Iraq and the slant of the movie is clearly critical

-13:-08:-44 **25** towards the United States position in Iraq, correct?

-13:-08:-44 1 A. Yes.

-13:-08:-44 2 Q. And that was something that everybody in that group was  
00:09:25 3 pretty much supportive of that movie, correct?

-13:-08:-44 4 MR. MILLER: Objection.

00:09:31 5 THE COURT: I'll let him answer.

00:09:35 6 BY MR. BRYAN:

00:09:35 7 Q. Supportive of the message of the movie?

00:09:38 8 A. I guess, yes. I guess.

-13:-08:-44 9 THE COURT: Actually, he has to have some basis for  
-13:-08:-44 10 concluding.

00:09:45 11 A. I don't remember our conversation that much after.

-13:-08:-44 12 BY MR. BRYAN:

-13:-08:-44 13 Q. But before you went into the movie, do you recall that

-13:-08:-44 14 it was Darren Griffin who actually paid everybody's way into the  
00:09:55 15 movie?

-13:-08:-44 16 A. No, I don't recall.

-13:-08:-44 17 Q. You don't recall that? Are you saying that it didn't

-13:-08:-44 18 happen or you just don't recall?

00:10:05 19 A. I'm listening that, but I just don't remember.

00:10:12 20 Q. Now, you, sir, are personally involved in martial arts,

-13:-08:-44 21 correct?

-13:-08:-44 22 A. Uh-huh.

-13:-08:-44 23 Q. And for some time now you've trained in the arts of tae  
00:10:23 24 kwon do?

00:10:23 25 A. You name it.

-13:-08:-44 1 Q. Well, you name it.

00:10:25 2 A. (Inaudible.)

00:10:35 3 THE COURT: Say them slowly and spell each one

00:10:38 4 afterwards. And maybe indicate --

00:10:41 5 A. Tae kwon do, which is a Korean martial art. Quil Ko

00:10:47 6 (phonetically)

00:10:47 7 THE COURT: How do you spell that?

-13:-08:-44 8 THE WITNESS: (Motions.)

-13:-08:-44 9 A. Jing Quan Do, Kenpo, Shir Wu (phonetically), karate, and

00:11:16 10 that's about it, I guess.

00:11:19 11 BY MR. BRYAN:

00:11:19 12 Q. Is this something that you communicated to Mohammad

00:11:23 13 Amawi as well, that you're interested in this?

00:11:27 14 A. Yes.

-13:-08:-44 15 Q. And Mr. Amawi seemed to be really interested in your

00:11:31 16 martial arts ability as well?

-13:-08:-44 17 A. For about five minutes.

00:11:37 18 Q. We'll get to that. But as it relates to security

00:11:40 19 training, do you recall around this time from your personal

00:11:45 20 knowledge Mr. Griffin being willing to train people in private

-13:-08:-44 21 security?

00:11:51 22 A. Yes.

-13:-08:-44 23 Q. And that he offered people that he'd give them private

-13:-08:-44 24 security training?

-13:-08:-44 25 A. Yes.

00:11:58      **1**      Q. And do you recall a time where Mr. Amawi came to you and  
-13:08:44      **2** said that he was interested in taking some of this private  
00:12:06      **3** security training and asked you if you were interested in taking  
00:12:09      **4** it with him?

-13-08-44 5 A. I don't recall. It could have happened.

-13:-08:-44 6 Q. It could have happened? If it did happen, you  
00:12:15 7 obviously declined the invitation?

00:12:17 8 MR. MILLER: Objection. Speculative.

00:12:20 9 MR. BRYAN: I'll strike it.

00:12:22 10 THE COURT: Indeed. Go ahead.

00:12:25 11 BY MR. BRYAN:

00:12:26 **12** Q. Do you recall when Mr. Amawi told you this, you warning  
-13:08:44 **13** Mr. Amawi to be careful of Mr. Griffin because people believed  
00:12:33 **14** he was an informant?

-13:-08:-44 15 A. No.

00:12:34 16 Q. You don't recall that?

-13-08-44 17 A. Uh-uh.

00:12:38 **18** Q. Now, do you recall Mr. Amawi expressing to you that he  
-13:08:44 **19** wasn't concerned because he didn't think that he was doing  
00:12:46 **20** anything wrong? Do you recall that, as it relates to security  
-13:08:44 **21** training?

-13--08:44 22 A. I don't remember that conversation.

-13-08-44 23 THE COURT: You do not remember?

00:12:53 24 THE WITNESS: I do not remember that conversation.

00:13:03 25 BY MR BRYAN:

00:13:03      **1**      Q. Now, in response to Mr. Amawi indicating to you that he  
00:13:06      **2** was interested in security training, did you offer him -- that's  
-13:-08:-44    **3** why I asked about your martial arts before. Did you offer him  
-13:-08:-44    **4** to start teaching him some martial arts?

00:13:17 5 MR. MILLER: Objection: beyond the scope of direct.

00:13:19 6 THE COURT: I'll let him answer

00:13:22 7 A. I remember offering to teach him because I wanted  
00:13:26 8 someone to work out with. But he didn't really pursue it or me  
00:13:31 9 for any kind of exercise or work out or training.

-13- 08-44 10 BY MR BRYAN:

-13-08-44 11 Q. Exactly. Well, concerning this, but you did invite him  
-13-08-44 12 to work out with you in martial arts, correct?

-13:-08:-44 13 A. Well, I asked him to hold the board, and he kind of  
-13:-08:-44 14 chickened-out after I hit it and it went flying out of his hand.

-13--08:44 15 Q. You're also a big fan of Bruce Lee movies?

-13-08-44

00:14:02 17 Q. And Bruce Lee is probably the foremost martial artist  
-13--08-44 18 that ever lived?

00:14:07 19 MR. MILLER: Objection, Your Honor. Relevance

-13-08-44 20 THE COURT: Sustained. The objection will be  
-13-08-44 21 sustained.

00:14:14 22 BY MR BRYAN:

00:14:14 23 Q Did you watch Bruce Lee movies with --

12:08:44 24 MR. MILLER: Objection, same question.

12:08:44 25 THE COURT: I'll let him answer that question.

-13:-08:-44 1 BY MR. BRYAN:

-13:-08:-44 2 Q. Did you watch Bruce Lee movies and watch with Mr. Amawi,  
00:14:34 3 watch Bruce Lee movies with him?

-13:-08:-44 4 A. I taped Bruce Lee movies and put them all on one tape,  
00:14:40 5 and I showed him that.

00:14:41 6 Q. So you basically broke down Bruce Lee's movies as sort  
-13:-08:-44 7 of like a training video to show him?

-13:-08:-44 8 A. Just the fighting scenes.

-13:-08:-44 9 Q. And you showed that video to Mr. Amawi, correct?

-13:-08:-44 10 A. Yes, sir.

00:15:00 11 THE COURT: You indicated Mr. Amawi was too lazy to  
00:15:05 12 keep up with the martial arts training?

-13:-08:-44 13 THE WITNESS: I had various students at one time in

-13:-08:-44 14 Toledo, all Arab. And I made them pay \$50 a month, three

-13:-08:-44 15 months upfront because they're from Kuwait and Saudi Arabia, and

-13:-08:-44 16 they get bored quickly. So I thought if they paid upfront that

-13:-08:-44 17 they'd stay in it long enough to get a feel for it, if they

-13:-08:-44 18 liked it or not. But it didn't last very long. They don't

00:15:37 19 stay with it very long.

00:15:39 20 BY MR. BRYAN:

00:15:39 21 Q. Well, I mean, this is just between you and Mr. Amawi,  
-13:-08:-44 22 you were --

00:15:43 23 A. It was the same way.

-13:-08:-44 24 Q. Do you recall a time, like, even doing some hand-to-hand  
-13:-08:-44 25 where you used a rubber knife and showed him how to disarm

-13:-08:-44 1 somebody with a rubber knife?

-13:-08:-44 2 A. Yes.

-13:-08:-44 3 Q. So you did do some physical training with Mr. Amawi?

-13:-08:-44 4 A. Yes.

00:15:56 5 Q. And it didn't last very --

-13:-08:-44 6 A. It was, like, one time.

00:16:01 7 Q. And it didn't last very long, and he didn't seem to be

-13:-08:-44 8 interested in the physical training?

-13:-08:-44 9 A. That's correct.

-13:-08:-44 10 Q. So he was much more interested in watching Bruce Lee

-13:-08:-44 11 videos than actually being Bruce Lee, I guess?

-13:-08:-44 12 A. I guess.

00:16:15 13 Q. Now, you told -- as a Muslim you're familiar with the

-13:-08:-44 14 concept of Jihad?

-13:-08:-44 15 A. That's correct.

00:16:33 16 Q. When you told the FBI that --

00:16:37 17 MR. MILLER: Your Honor, could we approach?

-13:-08:-44 18 THE COURT: Sure.

-13:-08:-44 19 (Whereupon the following discussion was had at the

00:18:39 20 bench outside the hearing of the jury:)

00:18:39 21 MR. MILLER: Your Honor, before we started the

-13:-08:-44 22 direct examination, I introduced, obviously, the issue with

-13:-08:-44 23 respect to Afghanistan. My recollection is Counsel for Amawi

-13:-08:-44 24 wanted basically to get assurances that I wasn't going to ask

-13:-08:-44 25 his interpretation or understanding of Jihad or any of his

-13:-08:-44 1 conceptions of that. All of a sudden -- I said, fine, I won't  
-13:-08:-44 2 do it. All of a sudden he's asking --

-13:-08:-44 3 THE COURT: Where are you going with this?

-13:-08:-44 4 MR. BRYAN: I apologize. He's correct. But I  
-13:-08:-44 5 think really what I wanted to ask him as it related to  
-13:-08:-44 6 self-defense, there's a command in Islam to be prepared, to  
-13:-08:-44 7 learn self-defense, to be able to defend yourself, because this  
-13:-08:-44 8 sort of goes with his martial arts training.

-13:-08:-44 9 THE COURT: If you want to ask him the question,  
-13:-08:-44 10 whether to some or any extent his martial arts training,  
-13:-08:-44 11 experience is related to his understanding of his religion,  
-13:-08:-44 12 that's fine.

-13:-08:-44 13 MR. SOFER: Judge, if I may, this goes back  
-13:-08:-44 14 again --

-13:-08:-44 15 THE COURT: I don't see the relevance.

-13:-08:-44 16 MR. SOFER: Do we get to ask a witness if there's  
-13:-08:-44 17 something --

-13:-08:-44 18 MR. BRYAN: I'll move on. I won't inquire.

-13:-08:-44 19 (End of side-bar discussion.)

00:18:41 20 THE COURT: I sustained the objection. The jury  
-13:-08:-44 21 will disregard the question.

00:18:46 22 BY MR. BRYAN:

-13:-08:-44 23 Q. Mr. Almozrouei, again, we're trying to recall events  
00:18:50 24 that took place a few years ago but you do recall there came a  
00:18:53 25 time when Mr. Amawi eventually moved back to Jordan, and that

00:18:57      **1** was the last time that you saw him, I guess, until today,  
-13:-08:-44    **2** correct?

00:19:01      **3**      **A.** No, I'm sorry. I moved to Michigan.

-13:-08:-44    **4**      **Q.** You moved to Michigan before he actually moved Jordan?

-13:-08:-44    **5**      **A.** I did not know he left the second time for Jordan.

00:19:13      **6**      **Q.** You moved to Michigan in what year and what month, if  
-13:-08:-44    **7** you recall?

00:19:19      **8**      **A.** Two and a half years ago.

-13:-08:-44    **9**      **Q.** Was it in 2005 that you moved to Michigan?

00:19:24      **10**     **A.** Yeah, I guess, yes.

-13:-08:-44    **11**     **Q.** Was it summertime, or do you recall?

-13:-08:-44    **12**     **A.** End of summer perhaps.

-13:-08:-44    **13**     **Q.** So the summer of 2005, either June, July, or August of  
00:19:34      **14** 2005 you moved to Michigan?

00:19:37      **15**     **A.** I would say it was closer to September.

-13:-08:-44    **16**     **Q.** If we've heard evidence that Mr. Amawi went back to  
-13:-08:-44    **17** Jordan on August 22, 2005, it would have been about the same  
00:19:47      **18** time?

-13:-08:-44    **19**     **A.** August what?

-13:-08:-44    **20**     **Q.** August 22, 2005.

00:19:50      **21**     **A.** Maybe it was before then.

-13:-08:-44    **22**     **Q.** So sometime -- you guys basically moved back to  
00:19:56      **23** different areas around the same time, but you believe you moved  
-13:-08:-44    **24** first, correct?

00:20:00      **25**     **A.** I know I moved first.

00:20:03 1 Q. Now, do you recall having conversations with Mr. Amawi  
00:20:07 2 about Jordan itself, the country?

-13:-08:-44 3 A. No.

00:20:10 4 Q. Do you recall him ever describing to you Jordan being a  
-13:-08:-44 5 very good place to live and a very easy place to live?

-13:-08:-44 6 MR. MILLER: Objection; relevance, Your Honor.

00:20:19

00:20:20 8 THE COURT: He indicates he did not recall any  
-13:-08:-44 9 conversation.

00:20:25 10 BY MR. BRYAN

-13:-08:-44 11 Q. Did you ever express to Amawi that you would be  
00:20:28 12 interested in maybe going to Jordan and visiting Jordan someday?

-13:-08:-44 **13** MR. MILLER: Objection as to relevance again, Your  
-13:-08:-44 **14** Honor.

-13:-08:-44 15 THE COURT: I'll let him answer.

00:20:36 16 A. I mean, I visit lots of countries, so, I mean --

00:20:43 17 MR. BRYAN: Thank you very much, sir. I have  
-13:-08:-44 18 nothing further.

00:20:52 19 - - -

00:20:52 **20** MIKAEIL ALMOZROUEI, CROSS-EXAMINATION

00:20:53 21 BY MR. HARTMAN:

00:20:53 **22** Q. Thank you, Your Honor.

00:20:58 23 Good afternoon, sir.

-13:-08:-44 24 A. Good afternoon.

-13:-08:-44 25 Q. I apologize, but could you tell me one more time how to

00:21:04 **1** pronounce your name, because I don't want to get it wrong?

00:21:08 **2** A. Almozrouei.

00:21:09 **3** Q. Almozrouei?

00:21:11 **4** A. That's right.

-13:-08:-44 **5** Q. Okay. Mr. Almozrouei, I would like to talk to you about

00:21:17 **6** the statement that you attributed to Marwan El-Hindi about

00:21:21 **7** Afghanistan. Now, which -- you said that happened at the

-13:-08:-44 **8** Mosque?

-13:-08:-44 **9** A. Yes.

-13:-08:-44 **10** Q. Which Mosque was that?

00:21:31 **11** A. On Monroe Street.

00:21:36 **12** Q. Is that the -- what's commonly referred to as the QSS,

-13:-08:-44 **13** Qur'an Sunnah Society?

00:21:47 **14** A. That's correct.

00:21:49 **15** Q. Who was there that day that you remember?

00:22:06 **16** A. I don't remember the faces.

-13:-08:-44 **17** Q. Any of them?

00:22:13 **18** A. No.

00:22:17 **19** Q. Do you remember if Darren Griffin was there that day?

00:22:20 **20** A. It's possible.

00:22:26 **21** Q. Now, you said that Marwan was socializing with some

-13:-08:-44 **22** people on the floor before you went and sat down; is that right?

00:22:36 **23** A. That's right.

-13:-08:-44 **24** Q. With whom was he socializing?

-13:-08:-44 **25** A. That's what I'm saying, I don't remember.

-13:-08:-44 1 Q. Do you remember how many people he was sitting with?

-13:-08:-44 2 A. One or two.

-13:-08:-44 3 Q. He was sitting with one or two people. But you don't

-13:-08:-44 4 remember who either of those people was either?

-13:-08:-44 5 A. No.

00:23:01 6 Q. Now, can you tell me when this happened with -- how

00:23:10 7 specific can you get in terms of the date that this happened?

00:23:14 8 A. Summer, 2005.

00:23:16 9 Q. Summer of 2005. Late summer, early summer?

00:23:21 10 A. I can't speak to that. I don't know.

00:23:29 11 Q. Did I understand correctly that it was after a Friday

00:23:34 12 prayer?

-13:-08:-44 13 A. Yeah, I think after Friday or after Saturday gathering,

-13:-08:-44 14 yes.

00:23:41 15 Q. You're not sure which?

00:23:44 16 A. I'm not sure which.

00:23:54 17 Q. Did you ever tell the Imam at the Mosque that -- about

00:24:00 18 this comment?

00:24:02 19 A. No, I think I left after that.

00:24:06 20 Q. I don't mean just that day, did you ever tell the Imam

00:24:10 21 at the Mosque?

00:24:11 22 A. No. We didn't really have an Imam.

-13:-08:-44 23 Q. I'm sorry?

-13:-08:-44 24 A. We didn't really have an Imam. Different people.

00:24:21 25 Different people came and talked.

-13:-08:-44 1 Q. Was there someone who was sort of in charge?

00:24:25 2 A. They had, like, a group of people, like a council or

00:24:29 3 something.

-13:-08:-44 4 Q. Did you tell any of those people about this comment?

-13:-08:-44 5 A. No.

00:24:55 6 Q. Other than the day that the FBI interviewed you, did you

-13:-08:-44 7 report this comment to the authorities at all?

00:25:03 8 A. No.

00:25:07 9 Q. Did you ever tell anyone other than the FBI about this?

00:25:11 10 A. No.

00:25:18 11 Q. Would that include Mr. Griffin? You never told Mr.

-13:-08:-44 12 Griffin about this?

00:25:23 13 A. I was wondering if I did, but I can't remember

-13:-08:-44 14 mentioning it to him or not.

00:25:30 15 Q. Did Mr. Griffin ever make comments to you like that?

00:25:34 16 A. Mr. Griffin?

-13:-08:-44 17 Q. Yes.

00:25:37 18 A. Asked me if I want to go to Afghanistan and train?

-13:-08:-44 19 Q. Things like that.

-13:-08:-44 20 A. No.

00:25:42 21 Q. "No"?

-13:-08:-44 22 A. Just in his security business, he asked me. I was too

-13:-08:-44 23 busy with instruction.

00:26:10 24 Q. How many times did you get interviewed by the FBI?

00:26:18 25 A. Interviewed, at least a couple.

-13:-08:-44 **1** Q. At least a couple?

-13:-08:-44 **2** A. Yes.

00:26:24 **3** Q. In person?

-13:-08:-44 **4** A. Uh-huh.

-13:-08:-44 **5** Q. Maybe more than a couple?

-13:-08:-44 **6** A. Three.

00:26:27 **7** Q. Three? Do you remember approximately when those were?

-13:-08:-44 **8** A. When?

-13:-08:-44 **9** Q. Yeah, approximately.

-13:-08:-44 **10** A. I don't remember the days, no.

-13:-08:-44 **11** Q. I don't need exact dates.

-13:-08:-44 **12** A. Okay. It's within the last six months, I guess.

00:26:52 **13** Q. If I told you that one of those interviews may have

00:26:56 **14** happened back in April of '07, would that sound about right?

-13:-08:-44 **15** A. You're asking the wrong person for dates. I'm sorry.

-13:-08:-44 **16** I can't say.

00:27:04 **17** THE COURT: Well, if the evidence otherwise were to

-13:-08:-44 **18** show that.

00:27:10 **19** A. I would have to agree with the documentation. I have

00:27:16 **20** to agree.

-13:-08:-44 **21** BY MR. BRYAN:

-13:-08:-44 **22** Q. Again, if the evidence were to show that there was an

-13:-08:-44 **23** interview on March 4 of 2008, you wouldn't disagree with that?

-13:-08:-44 **24** A. No.

00:27:28 **25** Q. Now, the third interview that was in person, was that

00:27:34 1 very recently or early -- if you can even tell by the seasons  
-13:-08:-44 2 when approximately that was?  
-13:-08:-44 3 A. It was about three or four weeks ago.  
-13:-08:-44 4 Q. Just three or four weeks ago? So that -- okay. And  
-13:-08:-44 5 other than those interviews in person, were there times when you  
00:28:01 6 spoke to the FBI on the telephone?  
00:28:04 7 A. I spoke to them on the telephone, yes.  
-13:-08:-44 8 Q. How many times approximately?  
00:28:11 9 A. Just to make arrangements to find out when I could come  
-13:-08:-44 10 down, maybe three or four times.  
00:28:23 11 Q. Did they ever call you to ask you questions?  
00:28:29 12 A. They never asked me questions over the phone.  
-13:-08:-44 13 Q. So it was just to make arrangements?  
-13:-08:-44 14 A. That's correct.  
00:28:39 15 Q. What -- when you were interviewed by the FBI, what did  
-13:-08:-44 16 they tell you about Marwan?  
00:28:47 17 MR. MILLER: Objection.  
-13:-08:-44 18 A. They didn't tell me anything.  
00:28:50 19 THE COURT: I would agree. Sustained.  
00:29:04 20 MR. HARTMAN: Can I have a moment, Judge?  
00:29:06 21 THE COURT: Of course.  
00:29:51 22 (Discussion had off the record.)  
00:29:54 23 MR. HARTMAN: Thank you.  
00:29:58 24 BY MR. HARTMAN:  
-13:-08:-44 25 Q. Now, Marwan never asked for any kind of martial arts

00:30:02     **1** training from you; is that correct?

00:30:04     **2**       A. No.

00:30:08     **3**       Q. You made this -- you told the FBI about this statement

00:30:13     **4** Marwan made on March 4, 2008, does that sound about right?

00:30:20     **5**       A. I'm not going to -- I can't say.

00:30:23     **6**       Q. Okay. All right. Again, if the evidence showed that,

-13:-08:-44   **7** you wouldn't --

-13:-08:-44   **8**       A. Yes.

-13:-08:-44   **9**       Q. Now, if you were interviewed back in April of 2007, why

00:30:35     **10** would you wait until March of 2008 to tell the FBI about this

-13:-08:-44   **11** statement?

-13:-08:-44   **12**                   MR. MILLER: Objection.

00:30:43     **13**                   THE COURT: I'll let him answer.

00:30:47     **14**       A. I don't know if he -- I don't know if he was serious 100

00:30:56     **15** percent or...

-13:-08:-44   **16** BY MR. HARTMAN:

-13:-08:-44   **17**       Q. If Marwan was serious, you didn't know if he was

-13:-08:-44   **18** serious?

-13:-08:-44   **19**       A. He sounded like he was serious but, I mean, I didn't

-13:-08:-44   **20** think he would make it come to fruition.

-13:-08:-44   **21**       Q. I'm sorry?

-13:-08:-44   **22**       A. I didn't think it would come to fruition. I don't

00:31:13     **23** think it would happen. I don't think he had the means to do

00:31:16     **24** anything even if he wanted to.

00:31:26     **25**       Q. Was there any time that you felt that there was a chance

00:31:31 1 the FBI might bring charges against you?

-13:-08:-44 2 A. Me?

-13:-08:-44 3 Q. Yeah.

-13:-08:-44

00:31:38 5 Q. Now, you said Marwan's comment, and I want to get this

00:31:42 6 right so correct me if I'm wrong, is he brought up did anyone

-13:-08:-44 7 want to go to Afghanistan to train for Jihad; is that correct?

-13:-08:-44 8 A. Uh-huh.

00:31:52 9 Q. But that's not -- that's not what he really said, is it?

00:32:01 **10** A. That's not the exact word, but that's what he meant.

-13:-08:-44 11 Q. Okay. He didn't actually say to train for Jihad, you

00:32:10 **12** assumed that part, didn't you?

-13:-08:-44 13 A. No, I mean, he asked if we wanted to train in Jihad. I

-13-08-44 14 think someone said where, and he said Afghanistan or something

-13:-08:-44 15 like that.

00:32:23 **16** Q. Didn't he ask what you specifically thought about

00:32:29 17 getting involved in training in Afghanistan, and then you just

00:32:33 **18** assumed or believed that he was talking about military training?

00:32:39 19 A. Can you repeat that question?

-13:-08:-44 20 Q. Well, yes. Didn't he ask what you specifically thought

00:32:50 **21** about getting involved in training in Afghanistan, then you just

-13:-08:-44 22 kind of assumed that he was talking about military training?

-13-08-44 23 MR. MILLER: I think that mischaracterizes the

-13:-08:-44 24 direct, Your Honor.

00:33:06 25 MR. HARTMAN: I'm not saying it was direct. I'm

-13:-08:-44 1 talking about --

-13:-08:-44 2 THE COURT: I'll let him answer the question if he  
-13:-08:-44 3 can.

00:33:13 4 A. Can you repeat the question one more time?

00:33:13 5 BY MR. HARTMAN:

00:33:13 6

-13:-08:-44 7 Q. Yeah. Isn't what happened that he asked you what you  
-13:-08:-44 8 specifically thought about getting involved in training in  
-13:-08:-44 9 Afghanistan, and you assumed that what he was talking about is  
-13:-08:-44 10 military training?

-13:-08:-44 11 A. Well, number one, I think he was talking in general to  
00:33:41 12 me and to other people sitting there. Number two, obviously if  
-13:-08:-44 13 you're going to do in Jihad training, so it has to be physical  
-13:-08:-44 14 or whatever it takes.

-13:-08:-44 15 MR. HARTMAN: Can you read back the answer? I'm  
00:34:10 16 sorry.

00:34:11 17 THE COURT: Please keep your voice up. I'm having  
00:34:13 18 real trouble hearing it myself.

00:34:29 19 (Previous answer read back.)

00:34:58 20 BY MR. HARTMAN:

00:34:58 21 Q. You knew when you got interviewed by the FBI -- you  
00:35:02 22 already knew that Marwan had been arrested, right?

-13:-08:-44 23 A. Yes, I did.

00:35:09 24 Q. And the FBI had told you before the interviews about  
00:35:15 25 Marwan El-Hindi --

-13:-08:-44 1 A. No.

00:35:17 2 Q. Let me finish the question. I wasn't finished with it

-13:-08:-44 3 yet.

-13:-08:-44 4 A. I'm sorry.

-13:-08:-44 5 Q. Before they talked to you about Marwan El-Hindi, they

-13:-08:-44 6 had told you that Mohammad Amawi said you were a good candidate,

-13:-08:-44 7 right?

-13:-08:-44 8 A. No.

00:35:31 9 Q. So it wasn't until after?

-13:-08:-44 10 A. That's right.

00:35:37 11 MR. HARTMAN: Can I have a moment, Judge?

-13:-08:-44 12 THE COURT: You may.

-13:-08:-44 13 MR. HARTMAN: Thank you. I have no more

00:36:30 14 questions, Your Honor. Thank you very much.

00:36:39 15 MR. HELMICK: No, Your Honor.

00:36:41 16 THE COURT: Any redirect?

-13:-08:-44 17 MR. MILLER: A couple minutes with the Court's

00:36:46 18 indulgence?

-13:-08:-44 19 THE COURT: Sure.

-13:-08:-44 20 (Discussion had off the record.)

00:39:43 21 - - -

00:39:43 22 MIKAEIL ALMOZROUEI, REDIRECT EXAMINATION

00:39:45 23 BY MR. MILLER:

00:39:45 24 Q. Good afternoon, Mr. Almozrouei. Just a few questions

-13:-08:-44 25 to ask you about based on what Mr. Hartman and Mr. Bryan asked

-13:-08:-44 1 you on cross-examination. Mr. Hartman actually just asked you  
-13:-08:-44 2 about the conversation you had with Mr. El-Hindi in the Mosque  
-13:-08:-44 3 about going to Jihad -- about going to Afghanistan to train for  
-13:-08:-44 4 Jihad. And basically was asking you did this really happen.  
-13:-08:-44 5 What is your best recollection of that  
00:40:16 6 conversation?

00:40:17 7 A. That he said that. That it happened.  
-13:-08:-44 8 Q. When you say "it happened", what was asked of you and  
-13:-08:-44 9 how did you respond?  
-13:-08:-44 10 A. He asked us if we wanted to go train for Jihad in  
00:40:28 11 Afghanistan.

-13:-08:-44 12 Q. When you say "us", you and a couple other people?  
-13:-08:-44 13 A. Yes.

-13:-08:-44 14 Q. And what did you do after that conversation?  
00:40:34 15 A. I got up and left because I felt uncomfortable.  
00:40:40 16 Q. Did you have any substantial interaction with  
00:40:43 17 Mr. El-Hindi after that?

00:40:45 18 A. No.  
00:40:48 19 Q. Why not?  
-13:-08:-44 20 A. I'm very busy. So I don't see him that often anyway.

00:40:53 21 I tried to avoid him after that.  
00:40:55 22 Q. Why would you try to avoid him?  
-13:-08:-44 23 A. I don't want to be involved in that conversation, that  
-13:-08:-44 24 type of information.  
00:41:04 25 Q. Mr. Bryan also asked you some questions about dates and

-13:-08:-44 1 times, particular days or particular times of things. I'd like  
-13:-08:-44 2 to go back to the questions that I asked you on direct  
00:41:16 3 examination. You have --

-13:-08:-44 4 Do you have a general recollection of when these  
00:41:20 5 conversation events that I talked you about on direct occurred?

-13:-08:-44 6 A. Yes.

-13:-08:-44 7 Q. And do you have a recollection to even down to the month  
-13:-08:-44 8 and year of when these conversations might have occurred for  
-13:-08:-44 9 some of them?

-13:-08:-44 10 A. Yes.

00:41:33 11 Q. Mr. Bryan also asked you a number of questions about  
00:41:39 12 political discourse and conversations you might have had with  
-13:-08:-44 13 Mr. Amawi. And also on videos that --

00:41:49 14 MR. BRYAN: Object.

00:41:52 15 THE COURT: Basis?

-13:-08:-44 16 MR. BRYAN: That wasn't the question.

-13:-08:-44 17 THE COURT: Calling to mind some of the questions  
00:41:57 18 that Mr. Bryan asked you, then comma, why don't you complete the  
00:42:01 19 question.

00:42:02 20 BY MR. MILLER:

-13:-08:-44 21 Q. Then he said Mr. Amawi showed you videos and would  
-13:-08:-44 22 discuss these videos with you in terms of political discourse,  
-13:-08:-44 23 do you recall that?

00:42:10 24 A. Yes.

-13:-08:-44 25 Q. Let me ask you this question, sir: The beheading videos

-13:-08:-44 1 and the other violent videos that Mr. Amawi showed you, how did  
-13:-08:-44 2 that make you feel?

00:42:18 3 MR. BRYAN: Objection.

00:42:20 4 MR. MILLER: He opened the door, Your Honor.

-13:-08:-44 5 THE COURT: I'm going to sustain the objection.

00:42:24 6 MR. MILLER: Let me ask it a different way.

00:42:24 7 BY MR. MILLER:

00:42:24 8

00:42:27 9 Q. Mr. Almozrouei, after you saw these videos of purported  
00:42:31 10 atrocities that may have been committed in the Muslim world, did  
-13:-08:-44 11 you want to go commit Jihad?

00:42:37 12 MR. BRYAN: Objection.

-13:-08:-44 13 THE COURT: Sustained.

-13:-08:-44 14 BY MR. MILLER:

00:42:40 15 Q. Did you want to martyr yourself after that?

00:42:44 16 MR. HARTMAN: Objection.

00:42:45 17 THE COURT: Sustained. Leave off that line of  
00:42:49 18 questioning. The jury will disregard that series of questions.

00:43:16 19 BY MR. MILLER:

00:43:16 20 Q. Mr. Bryan asked you some questions about your  
00:43:20 21 interaction with Mr. Amawi on financial issues. Did you harbor  
00:43:24 22 at that time any personal animosity toward Mr. Amawi?

00:43:28 23 A. No.

00:43:29 24 Q. As you sit here today, do you harbor any personal  
00:43:33 25 animosity against Mr. Amawi?

-13:-08:-44 1 A. No.

00:43:36 2 MR. MILLER: Just a moment, Your Honor.

00:43:50 3 BY MR. MILLER:

-13:-08:-44 4 Q. I think both Mr. Bryan and Mr. Hartman asked you about

-13:-08:-44 5 the number of interviews you may have had with the FBI. And

-13:-08:-44 6 Mr. Bryan brought up an incident where the FBI was around your

00:44:04 7 apartment building, I believe in 2004, correct?

-13:-08:-44 8 A. Yes.

-13:-08:-44 9 Q. Could you describe what happened when you returned from

-13:-08:-44 10 work that day in 2004?

00:44:12 11 A. I came home from work and when I pulled into the parking

-13:-08:-44 12 lot there was probably about six to ten vehicles belonging, I

-13:-08:-44 13 think, to the FBI , and they were around asking different people

00:44:30 14 questions, going to different departments -- I mean apartments,

-13:-08:-44 15 sorry. That's basically -- so they were asking questions.

-13:-08:-44 16 Q. And did there come a time when you spoke with a member

00:44:44 17 of the FBI?

-13:-08:-44 18 A. Yes.

00:44:45 19 Q. What happened?

-13:-08:-44 20 A. I talked to Jason Smith of the FBI .

00:44:51 21 THE COURT: I could not hear you.

-13:-08:-44 22 THE WITNESS: I talked to Jason Smith of the FBI .

-13:-08:-44 23 THE COURT: And was that the same day that you were

00:45:00 24 just talking about or was that a different day?

00:45:03 25 THE WITNESS: It's the same day.

00:45:06 **1** BY MR. MILLER:

-13:-08:-44 **2** Q. What was the substance of your conversation?

00:45:10 **3** MR. BRYAN: Objection.

00:45:12 **4** MR. MILLER: They opened the door to this

00:45:14 **5** conversation.

-13:-08:-44 **6** THE COURT: I agree. You may answer to the extent

-13:-08:-44 **7** you recall.

00:45:20 **8** A. I asked him who they were looking for. And they

-13:-08:-44 **9** mentioned one individual, one individual's name on the second

00:45:33 **10** floor. I said I don't think you have to worry about him. He

00:45:36 **11** works all day, comes home, I don't think he even has a computer.

00:45:42 **12** They said somebody threatened to kill the President over the

-13:-08:-44 **13** computer or internet or whatever. So I told him that he

00:45:58 **14** doesn't have to worry about him, but maybe this guy Mohammad;

-13:-08:-44 **15** he's doing funny things on the internet, so you should keep your

00:46:06 **16** eye on him.

-13:-08:-44 **17** Q. When you said to the FBI not to worry about this other

-13:-08:-44 **18** guy but you should worry about -- keep your eye on Mohammad, are

-13:-08:-44 **19** you referring to Mohammad Amawi?

-13:-08:-44 **20** A. Yes.

00:46:14 **21** Q. And other than that interaction with the FBI, were there

00:46:17 **22** just two other formal interviews with the FBI?

-13:-08:-44 **23** A. Yes.

-13:-08:-44 **24** Q. And those were the two interviews that Mr. Hartman

-13:-08:-44 **25** raised in terms of dates, correct?

-13:-08:-44 1 A. Yeah.

-13:-08:-44 2 MR. MILLER: Thank you. No further questions,

00:46:27 3 Your Honor.

00:46:34 4 - - -

00:46:34 5 MIKAEIL ALMOZROUEI, RECROSS-EXAMINATION

00:46:36 6 BY MR. BRYAN:

00:46:36 7 Q. You don't recall exactly when that interview was with  
00:46:42 8 the FBI, but it was sometime in the summer of 2004?

-13:-08:-44 9 A. Yes.

-13:-08:-44 10 Q. And I'm not talking about talking about the interview  
-13:-08:-44 11 that was just referred to concerning the FBI came to your  
00:46:52 12 apartment, correct?

-13:-08:-44 13 A. Yes.

-13:-08:-44 14 Q. And you alluded to the fact, what you just said, look at  
-13:-08:-44 15 Mohammad Amawi, he looks on the internet a lot, correct?

-13:-08:-44 16 A. Yes.

-13:-08:-44 17 Q. When I asked you about going to Fahrenheit 9/11 with Mr.  
-13:-08:-44 18 Amawi, isn't it true that happened after that incident, that was  
00:47:08 19 later, a couple of weeks later?

-13:-08:-44 20 A. I don't recall.

00:47:12 21 Q. If we have heard evidence in the case about Fahrenheit  
00:47:16 22 9/11 occurring on June 30, would that have been after that  
00:47:21 23 interview with the FBI?

-13:-08:-44 24 MR. MILLER: Objection; speculative.

00:47:23 25 THE COURT: I would agree.

00:47:25 **1** BY MR. BRYAN:

-13:-08:-44 **2** Q. You continued training -- you continued to have a  
-13:-08:-44 **3** relationship with Mr. Amawi after that period of time?

00:47:31 **4** A. I think I went to Fahrenheit 9/11 because Bilal, or  
-13:-08:-44 **5** Darren Griffin, invited me. I felt comfortable around him.

-13:-08:-44 **6** Q. And Mr. Amawi was there as well, correct?

-13:-08:-44 **7** A. That's right.

-13:-08:-44 **8** Q. And just before you left to go to Michigan isn't it true  
-13:-08:-44 **9** that you gave your exercise equipment to Mr. Amawi? This was in  
-13:-08:-44 **10** July of 2000.

-13:-08:-44 **11** A. I don't recall.

-13:-08:-44 **12** Q. You don't recall giving your exercise equipment to Mr.  
-13:-08:-44 **13** Amawi?

-13:-08:-44 **14** A. No.

-13:-08:-44 **15** Q. Or giving him anything before you left in July of 2005?

00:47:58 **16** A. I don't remember anything.

00:48:00 **17** MR. BRYAN: Nothing further, Your Honor.

00:48:03 **18** MR. HARTMAN: Briefly, Judge.

00:48:07 **19** - - -

00:48:07 **20** MIKAEIL ALMOZROUEI, RECROSS-EXAMINATION

00:48:09 **21** BY MR. HARTMAN:

00:48:09 **22** Q. Sir, you stated on redirect that what Mr. El-Hindi said  
00:48:13 **23** was he was asking us if we wanted to go to Afghanistan for  
00:48:18 **24** training for Jihad; is that correct?

-13:-08:-44 **25** A. Yes.

-13:08:-44 1 Q. That's not what you told the FBI agent who interviewed  
-13:08:-44 2 you, is it?

00:48:26 3 A. I don't -- I can't say word-for-word what I said to  
-13:08:-44 4 them. What do you want me to say?

-13:08:-44 5 Q. Well, I'd like to know if you remember if that's what  
00:48:39 6 you told the FBI or not?

00:48:41 7 A. Yes, that's what I told the FBI.

-13:08:-44 8 MR. HARTMAN: Okay. Nothing further.

00:48:51 9 THE COURT: Mr. Helmick, Mr. Doughten, questions?

-13:08:-44 10 MR. DOUGHTEN: No, thank you, Your Honor.

00:48:56 11 THE COURT: Further redirect?

-13:08:-44 12 MR. MILLER: No, Your Honor.

-13:08:-44 13 THE COURT: You may step down. You're free to go.

-13:08:-44 14 Thank you very much.

00:49:12 15 MR. HARTMAN: Your Honor, before he leaves, we'd  
-13:08:-44 16 like to ask that he be made available for recall in our case in  
-13:08:-44 17 chief.

-13:08:-44 18 THE COURT: Okay. You may be called upon to  
00:49:22 19 return.

00:49:23 20 MR. HARTMAN: We'll probably need contact  
00:49:26 21 information.

-13:08:-44 22 THE COURT: No problem. Okay.

-13:08:-44 23 Who is your next witness, what are we likely to  
-13:08:-44 24 hear?

00:49:37 25 MR. SOFER: We're tag-teaming today. Mr. Getz

-13:-08:-44 1 will call the next witness.

00:49:42 2 MR. GETZ: At this time the United States calls

-13:-08:-44 3 Kelly Doran.

00:49:51 4 To save time I would like to place the exhibits I

-13:-08:-44 5 will be addressing with Ms. Doran, Your Honor, on the stand at

-13:-08:-44 6 this time. Counsel has had a chance to review these, Your

00:50:23 7 Honor.

00:50:23 8 (The witness was sworn by the clerk.)

00:50:28 9 MR. IVEY: Could we approach for a minute?

-13:-08:-44 10 THE COURT: Sure.

-13:-08:-44 11 (Whereupon the following discussion was had at the

-13:-08:-44 12 bench outside the hearing of the jury:)

-13:-08:-44 13 MR. IVEY: This witness, it's my understanding from

-13:-08:-44 14 talking to the government, is going to testify that Mr. Amawi

-13:-08:-44 15 came into her bank branch, attempted to cash a check, was not

-13:-08:-44 16 cashed at that time, but he left his wallet. It's my

-13:-08:-44 17 understanding the government wants to do -- what the government

-13:-08:-44 18 is interested in in this case is the contents of the wallet.

-13:-08:-44 19 The fraud investigator found a card of an FBI agent in the

-13:-08:-44 20 wallet and that's how it got to the FBI. Mr. Getz has told me

-13:-08:-44 21 beforehand that he's going to make it clear to the jury that

-13:-08:-44 22 there was no illegality or any sinister activity surrounding the

-13:-08:-44 23 check. My concern is this: This check, since that's the case,

-13:-08:-44 24 is tickets to Hajj. What this is, since Mr. Amawi worked as a

-13:-08:-44 25 travel agent, it was money for Hajj tickets for different

-13:-08:-44 1 individuals to travel and take the Hajj.

-13:-08:-44 2 I'm concerned if the jury actually sees this, even  
-13:-08:-44 3 though Mr. Getz is not alleging anything, that they're going to  
-13:-08:-44 4 think something about that is improper.

-13:-08:-44 5 THE COURT: Would you stipulate if that does come  
-13:-08:-44 6 up it's the government's understanding that those funds paid to  
-13:-08:-44 7 AZ Travel by persons -- other persons unrelated to this case?

-13:-08:-44 8 MR. GETZ: Yes.

-13:-08:-44 9 (End of side-bar discussion.)

-13:-08:-44 10 THE COURT: Will you tell the ladies and gentlemen  
-13:-08:-44 11 and me your name?

-13:-08:-44 12 THE WITNESS: Kelly Doran.

-13:-08:-44 13 THE COURT: How do you spell your last name?

-13:-08:-44 14 THE WITNESS: D-O-R-A-N.

-13:-08:-44 15 THE COURT: And what is your city or county of  
-13:-08:-44 16 residence?

00:53:06 17 THE WITNESS: It's actually Brownstown, Michigan.

-13:-08:-44 18 THE COURT: And, Mr. Getz, you may inquire.

00:53:17 19 Are you presently employed?

00:53:19 20 THE WITNESS: Yes, I am, Fifth Third Bank.

00:53:22 21 THE COURT: How long you have worked for them?

00:53:24 22 THE WITNESS: Since October of 2004.

-13:-08:-44 23 THE COURT: Okay. What sort of job do you do?

-13:-08:-44 24 THE WITNESS: I'm a regional investigations  
00:53:31 25 manager.

00:53:35      **1**                THE COURT: Is that the only bank you've worked for  
-13:-08:-44    **2** or have you worked for other banks?  
  
-13:-08:-44    **3**                THE WITNESS: I've worked for other banks.  
  
00:53:42      **4**                THE COURT: How long have you worked for a bank of  
-13:-08:-44    **5** some sort?  
  
00:53:45      **6**                THE WITNESS: Since 1989.  
  
-13:-08:-44    **7**                THE COURT: Mr. Getz, go ahead.  
  
-13:-08:-44    **8**                - - -  
  
-13:-08:-44    **9**                KELLY DORAN, DIRECT EXAMINATION  
  
00:53:50      **10**               BY MR. GETZ:  
  
00:53:50     **11**               Q. Ms. Doran, I would ask you throughout the course of your  
-13:-08:-44    **12** testimony, if you could keep your voice up. I think the  
-13:-08:-44    **13** distance you are from the microphone is probably pretty good.  
00:53:59     **14** We'll adjust as we go if anybody's having trouble hearing you.  
  
00:54:07     **15**               You've already explained your title or position  
-13:-08:-44    **16** with Fifth Third Bank is as a regional investigations manager?  
-13:-08:-44    **17**               A. That's correct.  
  
00:54:14     **18**               Q. Could you explain briefly for the jury what your duties  
-13:-08:-44    **19** and responsibilities are in that position?  
-13:-08:-44    **20**               A. I oversee the investigations of any internal or external  
00:54:24     **21** fraud against Fifth Third Bank or any misuses of position by  
00:54:30     **22** employees.  
  
00:54:34     **23**               Q. You've held that position for how long?  
-13:-08:-44    **24**               A. That position approximately a year and a quarter, year  
-13:-08:-44    **25** and a half.

-13:08:-44 1 Q. You were employed by Fifth Third Bank prior to taking  
-13:08:-44 2 that position?

-13:08:-44 3 A. Yes.

00:54:45 4 Q. What was your prior position with Fifth Third Bank?

-13:08:-44 5 A. As a fraud investigator.

-13:08:-44 6 Q. Could you briefly explain what the duties were as a  
-13:08:-44 7 fraud investigator?

-13:08:-44 8 A. To perform the investigations of any internal or  
-13:08:-44 9 external fraud or misuse of position by employees.

00:55:01 10 Q. And just so we're clear, you assumed your new position  
00:55:06 11 approximately what day, month and year?

-13:08:-44 12 A. January, 2007.

00:55:10 13 Q. So calling your attention to -- well, strike that.

-13:08:-44 14 Let me ask you this first: Where is your office  
-13:08:-44 15 located?

-13:08:-44 16 A. At 550 North Summit in Toledo.

00:55:29 17 Q. I call your attention to May 9, 2005. Were you  
-13:08:-44 18 employed at Fifth Third Bank at that time?

-13:08:-44 19 A. Yes, I was.

-13:08:-44 20 Q. That was as a fraud investigator?

-13:08:-44 21 A. Yes.

-13:08:-44 22 Q. Where was a your office at that time?

-13:08:-44 23 A. 606 Madison in Toledo.

-13:08:-44 24 THE COURT: What time frame did you just reference?

-13:08:-44 25 I missed it.

00:55:47 1 MR. GETZ: May 9, 2005, Your Honor.

00:55:49 2 THE COURT: Thanks.

00:55:52 3 BY MR. GETZ:

00:55:52 4 Q. Now, again calling your attention to that date, do you  
00:55:55 5 recall if you were at work on that day?

-13:-08:-44 6 A. I believe I was.

-13:-08:-44 7 Q. Now, I'm going to ask you to look at -- there are a  
00:56:01 8 number of exhibits in front of you, some of them are in plastic  
-13:-08:-44 9 bags or wrappers, please feel free to take them out if that  
-13:-08:-44 10 would help you or assist you in reviewing these materials. If  
-13:-08:-44 11 you can, find the one that is marked Government's Exhibit 132.

00:56:19 12 A. Okay.

-13:-08:-44 13 Q. Do you find that?

00:56:21 14 A. Uh-huh.

-13:-08:-44 15 Q. And that one, if you would please take it out of the  
-13:-08:-44 16 bag. Do you recognize that item?

-13:-08:-44 17 A. I believe so.

-13:-08:-44 18 Q. And could you tell the jury what it is?

00:56:42 19 A. I believe it's a wallet that was forwarded to me.

00:56:47 20 Q. It's, for the record, a brown leather wallet?

-13:-08:-44 21 A. Yes.

-13:-08:-44 22 Q. And does it have contents?

00:56:53 23 A. Yes, it does.

00:56:55 24 Q. Is this -- well strike that.

-13:-08:-44 25 Do you recall when it was that you first saw this

-13:-08:-44 1 item?

00:57:01 2 A. May 10 of 2005.

-13:-08:-44 3 Q. And could you explain the circumstances under which you  
00:57:08 4 first saw that item on May 10, 2005?

00:57:11 5 A. A branch had forwarded the wallet to me. It was left  
00:57:16 6 behind.

-13:-08:-44 7 Q. Okay. A branch of Fifth Third Bank?

-13:-08:-44 8 A. Yes.

00:57:20 9 Q. Now, does it appear to be the same as it was the first  
-13:-08:-44 10 time that you viewed it on May 10, 2005?

00:57:27 11 A. Yes, it does.

00:57:29 12 Q. Now, if you could find the exhibit that's marked  
-13:-08:-44 13 Government's Exhibit 132J, as in James.

00:57:49 14 A. Okay.

-13:-08:-44 15 Q. And do you recognize that item?

-13:-08:-44 16 A. Yes, I do.

-13:-08:-44 17 Q. And could you tell us what that is, please?

00:57:57 18 A. An evidence bag.

00:57:58 19 Q. Is that an evidence bag from Fifth Third Bank?

00:58:01 20 A. Yes, it is.

-13:-08:-44 21 Q. Do you recognize your writing or printing on that?

00:58:05 22 A. Yes, I do.

00:58:09 23 MR. GETZ: Could we publish that for the jury, Your  
00:58:12 24 Honor?

00:58:12 25 THE COURT: You may. Can you simply show it on --

-13:-08:-44 1 perhaps you can just hold it up.

00:58:23 2 MR. GETZ: We'll use the ELMO for this one.

00:58:49 3 BY MR. GETZ:

00:58:49 4 Q. Again, is that your printing in blue ink on this  
-13:-08:-44 5 document?

00:58:54 6 A. Yes, it is.

00:59:00 7 Q. And about midway on the screen there's a line that says  
00:59:04 8 Recovered by and there's a name there?

00:59:06 9 A. Yes.

00:59:07 10 Q. What is that name?

-13:-08:-44 11 A. Rose Megutsch.

00:59:13 12 Q. Do you know who Rose Megutsch is?

-13:-08:-44 13 A. Yes.

-13:-08:-44 14 Q. Who is she?

-13:-08:-44 15 A. She's a lead teller at the branch on Dorr Street in  
00:59:20 16 Toledo.

-13:-08:-44 17 Q. I note the line right above that there's a line that  
-13:-08:-44 18 says Location of the Recovery. And what does it state on that  
-13:-08:-44 19 line?

-13:-08:-44 20 A. 5313 Dorr, Toledo, Ohio.

00:59:34 21 Q. Do you know what is located at 5313 Dorr, Toledo, Ohio?

-13:-08:-44 22 A. Yes.

-13:-08:-44 23 Q. What is that?

-13:-08:-44 24 A. Fifth Third Bank.

-13:-08:-44 25 Q. Is that the branch where Rose works?

-13:-08:-44 1 A. Yes.

-13:-08:-44 2 Q. The line directly above that it says Date and Time of  
00:59:47 3 Recovery. And there's a date indicated in there. What is  
-13:-08:-44 4 that?

-13:-08:-44 5 A. 5/9 of '05, a.m.

01:00:05 6 Q. And do you see your name on that document?

01:00:09 7 A. Yes.

-13:-08:-44 8 Q. And does it indicate a date on which apparently,  
01:00:16 9 according to this, you received this item?

-13:-08:-44 10 A. Yes.

-13:-08:-44 11 Q. And what is that date?

-13:-08:-44 12 A. 5/10, 2005.

-13:-08:-44 13 Q. Approximately what time?

-13:-08:-44 14 A. 9:00 a.m.

-13:-08:-44 15 Q. Do you recall the manner in which it was you received  
-13:-08:-44 16 this item?

-13:-08:-44 17 A. Through inter-office mail.

01:00:31 18 THE COURT: Through? I didn't hear you.

01:00:33 19 THE WITNESS: Inter-office mail.

01:00:35 20 BY MR. GETZ:

01:00:35 21 Q. And what is the purpose of this particular item,  
01:00:38 22 Government's Exhibit 132J?

-13:-08:-44 23 A. Just for safekeeping.

01:00:45 24 Q. At some point in time did you place Government's Exhibit  
01:00:49 25 132 inside Government's Exhibit 132J?

01:00:54 **1** A. Yes, I did.

-13:-08:-44 **2** Q. And again, that was for safekeeping of this item?

-13:-08:-44 **3** A. Yes.

01:00:59 **4** Q. And if you recall, what did you do with the item after

-13:-08:-44 **5** that?

-13:-08:-44 **6** A. Retained the item in my office.

01:01:07 **7** Q. Did you contact anyone regarding Government's Exhibit

01:01:11 **8** 132 after you received it?

01:01:13 **9** A. Yes.

-13:-08:-44 **10** Q. And whom did you contact if you recall?

01:01:16 **11** A. Agent Barnes.

01:01:17 **12** Q. That would be Agent David Barnes?

01:01:20 **13** A. Yes.

-13:-08:-44 **14** Q. From what agency?

-13:-08:-44 **15** A. The FBI .

-13:-08:-44 **16** Q. Could you explain to the jury why it is you contacted

-13:-08:-44 **17** Agent Barnes?

-13:-08:-44 **18** A. Because I located his business card inside the wallet.

01:01:34 **19** Q. If you would take a look at what's marked as

-13:-08:-44 **20** Government's Exhibit 132B, if you could find that?

01:01:45 **21** A. Okay.

-13:-08:-44 **22** Q. And is that the business card that you're referring to

-13:-08:-44 **23** for Agent Barnes?

-13:-08:-44 **24** A. Yes.

-13:-08:-44 **25** Q. And you originally saw that or first saw that inside the

-13:-08:-44 1 wallet, Government's Exhibit 132?

01:01:55 2 A. Yes.

01:01:56 3 MR. GETZ: Permission to publish that item, Your  
-13:-08:-44 4 Honor.

-13:-08:-44 5 THE COURT: Uh-huh.

01:02:09 6 BY MR. GETZ:

01:02:09 7 Q. Again, what was your purpose for contacting Agent Barnes  
-13:-08:-44 8 once you found his card inside the wallet?

-13:-08:-44 9 A. To determine if there was anything I needed to be  
-13:-08:-44 10 concerned about related to why the customer came into the  
01:02:24 11 branch.

01:02:26 12 Q. Were there concerns that you had in regards to how you  
-13:-08:-44 13 came to have custody and control of this wallet?

01:02:36 14 A. There were some questions regarding a check that was  
-13:-08:-44 15 brought in that we were trying to determine if there was a  
-13:-08:-44 16 problem or not. At that point we didn't know if there were any  
-13:-08:-44 17 problems or not.

01:02:50 18 Q. Well, were you provided with details that -- relative to  
-13:-08:-44 19 your responsibilities and duties as an investigator for the bank  
-13:-08:-44 20 that you used to make a determination as to what you were to do  
-13:-08:-44 21 with this item?

-13:-08:-44 22 A. Yes.

-13:-08:-44 23 Q. And what were the circumstances and details that you  
-13:-08:-44 24 were provided that you used for that determination?

01:03:19 25 A. A check had been presented which we refer to as a

-13:08:44 1 starter check, a check that you typically receive when you open  
-13:08:44 2 up an account. It does not have any preprinted account  
01:03:31 3 information on them. It was presented on the 9th of May at the  
01:03:40 4 Dorr branch. And because it was a starter check, the tellers  
-13:08:44 5 are told to go through a verification process by either looking  
01:03:50 6 at a previous check to compare signatures or contacting the  
-13:08:44 7 account owner to verify the check was written, or by obtaining  
01:03:59 8 the signature card to verify signatures. That was not able to  
01:04:06 9 be done, and the wallet was left behind when the customer left  
-13:08:44 10 with the check.

01:04:10 11 Q. Okay. So I understand it, there was a customer who came  
-13:08:44 12 into the Dorr Avenue branch of the bank to cash a check and they  
-13:08:44 13 had problems cashing the check. The customer left and left his  
01:04:24 14 wallet behind?

01:04:25 15 A. Yes.

01:04:26 16 Q. And that was the information you were provided when you  
01:04:29 17 received this wallet?

-13:08:44 18 A. Yes.

-13:08:44 19 Q. And inside the wallet you found Agent Barnes' card?

-13:08:44 20 A. Yes.

-13:08:44 21 Q. And you called him because you had concerns relative to  
-13:08:44 22 the transaction or the circumstances under which the wallet was  
-13:08:44 23 left?

01:04:42 24 A. Correct.

01:04:44 25 Q. Now, if you would please take a look at Government's

01:04:49      **1** Exhibit 132, let's start with F, if you can find that, "F" as in  
-13:-08:-44    **2** Frank.

01:05:09      **3**      **A.** Okay, I have it.

-13:-08:-44    **4**      **Q.** Was that an item that was inside of the wallet when you  
-13:-08:-44    **5** received it?

01:05:14      **6**      **A.** Yes.

-13:-08:-44    **7**      **Q.** And, first of all, can you tell us what it is or what  
-13:-08:-44    **8** you can identify it as?

01:05:21      **9**      **A.** It appears to be a public vehicle operator  
01:05:24    **10** identification card.

01:05:27      **11**      **Q.** And obviously there's a name listed on the card that  
-13:-08:-44    **12** would indicate who the -- who it's identifying. Can you see  
-13:-08:-44    **13** that name?

-13:-08:-44    **14**      **A.** Yes.

01:05:40      **15**      **Q.** What's the name?

01:05:41      **16**      **A.** Mohammad Zaki Amawi.

01:05:44      **17**      **Q.** What's the date on the card, the date of issuance, if  
-13:-08:-44    **18** you can read that?

-13:-08:-44    **19**      **A.** February 20 of 2001.

01:05:52      **20**      **Q.** Now, had you ever, prior to this time in May of 2005,  
-13:-08:-44    **21** had you ever seen an identification card like that?

-13:-08:-44    **22**      **A.** No.

01:06:00      **23**      **Q.** If you would find Government's Exhibit 132G.

01:06:08      **24**      **A.** Okay.

-13:-08:-44    **25**      **Q.** And what is that item?

01:06:11      **1**      A. A public vehicle operator identification card.

01:06:15      **2**      Q. Does it list the same name?

-13:-08:-44    **3**      A. Yes.

-13:-08:-44    **4**      Q. And what is the date of issuance for that card?

-13:-08:-44    **5**      A. July 10 of 2001.

01:06:23      **6**      Q. And again, had you ever seen an identification card like

-13:-08:-44    **7**      that prior to May of 2005?

01:06:29      **8**      A. No.

01:06:30      **9**      Q. And finally if you could find Government's Exhibit "H"

-13:-08:-44    **10**     as in Harold.

01:06:36      **11**     A. Okay.

01:06:39      **12**     Q. Does that appear to be an identification card for the

-13:-08:-44    **13**     same individual by name?

01:06:43      **14**     A. Yes.

01:06:44      **15**     Q. What's the issuance date on that card?

-13:-08:-44    **16**     A. June 1, 2004.

01:06:49      **17**     Q. Again, had you seen an identification card of that sort

-13:-08:-44    **18**     prior to May 10, 2005?

-13:-08:-44    **19**     A. No.

01:06:59      **20**     Q. The fact that you had located these identification cards

-13:-08:-44    **21**     inside this wallet, did that cause you any additional analysis

-13:-08:-44    **22**     in terms of how you should act in regards to this item?

-13:-08:-44    **23**     A. Yes.

-13:-08:-44    **24**     Q. What was that, if you could explain that to the jury,

01:07:15      **25**     please?

-13:08:-44 1 A. Because I was not familiar with this type of ID, I did  
01:07:21 2 not know if it was valid or not. I was also concerned that it  
-13:08:-44 3 was all expired.

01:07:25 4 THE COURT: That it was what? I couldn't hear you.

01:07:28 5 THE WITNESS: Because I had not seen this type of  
-13:08:-44 6 ID before, I did not know if it was valid or not. But I was  
-13:08:-44 7 concerned because they were all expired.

01:07:37 8 THE COURT: Expired. I just didn't hear the last  
-13:08:-44 9 word you said.

-13:08:-44 10 BY MR. GETZ:

-13:08:-44 11 Q. Any concerns relative to depictions, the photographs on  
01:07:46 12 the identification cards?

01:07:48 13 A. The appearance had changed slightly on the photos. I  
01:07:56 14 felt that it was possibly the same person. When the branch  
01:08:01 15 communicated to me that the wallet had been left behind, they  
01:08:04 16 thought that possibly it was not the same person.

-13:08:-44 17 Q. So was that another consideration or concern that you  
-13:08:-44 18 had?

-13:08:-44 19 A. Yes.

01:08:12 20 Q. If you would, find Government's Exhibit 132I, please.

-13:08:-44 21 And had you seen that item before?

-13:08:-44 22 A. Yes.

-13:08:-44 23 Q. Could you tell us what that is, please?

-13:08:-44 24 A. The inventory sheet I created.

01:08:32 25 Q. And did you prepare that document?

-13:-08:-44 1 A. Yes.

01:08:35 2 Q. And could you explain what is it or what the purpose of

-13:-08:-44 3 this document is for the jury?

01:08:40 4 A. To protect myself of what the contents were in the

-13:-08:-44 5 wallet should anyone call to claim it.

01:08:54 6 Q. What date did you prepare this item?

-13:-08:-44 7 A. May 10, 2005.

-13:-08:-44 8 Q. That's the date you received the wallet?

01:09:00 9 A. Yes.

01:09:01 10 Q. Did you list on this sheet to your knowledge every item

-13:-08:-44 11 that you had seen or observed inside the wallet?

-13:-08:-44 12 A. Yes.

01:09:28 13 Q. The three items or -- or identification cards that you

01:09:33 14 previously identified or testified about, are those listed on

-13:-08:-44 15 this document?

-13:-08:-44 16 A. Yes.

-13:-08:-44 17 Q. And under what heading are they listed?

-13:-08:-44 18 A. Identification.

01:09:41 19 Q. And those would be the third, fourth, and fifth items

-13:-08:-44 20 listed in that category?

01:09:50 21 A. Yes.

01:09:56 22 Q. If you would now turn your attention to Government's

01:09:59 23 Exhibit 132 "A", as in apple.

01:10:20 24 Did you find that?

-13:-08:-44 25 A. Yes.

-13:-08:-44 1 Q. Was that also an item that was inside the wallet when  
-13:-08:-44 2 you first received it?

-13:-08:-44 3 A. Yes.

01:10:32 4 Q. And did you list that item on the inventory sheet?

01:10:42 5 A. Yes.

01:10:45 6 Q. And under what category is that item listed?

-13:-08:-44 7 A. Miscellaneous.

01:10:52 8 Q. And that is -- could you tell us what that is or what it  
01:10:56 9 appears to be?

01:10:57 10 A. A business card from the City of Toledo Police  
01:11:01 11 Department for Detective Bart Beavers .

01:11:08 12 Q. Could you find Government's Exhibit 132C and D?

01:11:21 13 A. Yes.

-13:-08:-44 14 Q. Could you tell us what those are, please?

-13:-08:-44 15 A. Miscellaneous papers found in the wallet.

01:11:29 16 Q. Do they have some kind of writing on them?

-13:-08:-44 17 A. Yes.

01:11:37 18 Q. And the writings were on those items when you located or  
-13:-08:-44 19 found them in the wallet?

01:11:42 20 A. I'm sorry.

01:11:43 21 Q. The writing was on those items when you found them in  
-13:-08:-44 22 the wallet?

-13:-08:-44 23 A. Yes.

-13:-08:-44 24 Q. And they're in the condition now in which you found  
01:11:49 25 them?

-13:-08:-44 1 A. I believe so, yes.

01:11:51 2 Q. Did you list those items on the lost and found inventory

-13:-08:-44 3 sheet?

-13:-08:-44 4 A. Yes.

01:11:57 5 Q. Where do you have those listed?

-13:-08:-44 6 A. Under miscellaneous.

01:12:12 7 Q. If we could put that inventory sheet back up for the

-13:-08:-44 8 jury, can you read off where it is on the inventory sheet that

-13:-08:-44 9 you listed these items or how you describe them?

01:12:25 10 A. I believe I categorized them as paper containing Arabic

01:12:30 11 writing and numbers.

01:12:39 12 Q. As you look at those items now, and if we could go back

-13:-08:-44 13 to those, 132C, please, is there anything on there that you're

01:12:57 14 indicating or you identified or were referencing as being Arabic

-13:-08:-44 15 writing?

01:13:05 16 A. Yes.

-13:-08:-44 17 Q. What would that be?

-13:-08:-44 18 A. This area in between the blue marker writing and the

01:13:10 19 blue ballpoint writing, sort of in the middle.

01:13:22 20 Q. Right in the middle between the two lines of writing in

-13:-08:-44 21 ballpoint at the top and marker writing below that?

-13:-08:-44 22 A. Yes.

01:13:33 23 Q. And by the way, do you speak or write in Arabic?

-13:-08:-44 24 A. No, I don't.

-13:-08:-44 25 Q. So do you know for sure that that's Arabic writing or

-13:-08:-44 1 was that just your possible perception?

-13:-08:-44 2 A. My possible perception.

01:13:44 3 Q. If we could look at 132D. Was there anything on there

-13:-08:-44 4 that you were referencing as being what you thought might be

01:13:54 5 Arabic writing?

-13:-08:-44 6 A. Yes.

-13:-08:-44 7 Q. What would that be?

-13:-08:-44 8 A. The writing in ballpoint pen directly below the blue

-13:-08:-44 9 marker writing.

01:14:02 10 Q. Could you read what that blue marker writing says?

01:14:07 11 A. Possibly a mixture of letters.

01:14:15 12 Q. If you could just read off the letters?

01:14:18 13 A. H-O-S-A-M.

-13:-08:-44 14 MR. IVEY: Objection.

01:14:25 15 THE COURT: I think the jury can read what it may

-13:-08:-44 16 be as well as she can.

-13:-08:-44 17 BY MR. GETZ:

-13:-08:-44 18 Q. Does that appear to be some type of an address or

-13:-08:-44 19 possibly an e-mail address?

-13:-08:-44 20 MR. IVEY: Objection.

-13:-08:-44 21 THE COURT: Sustained.

01:14:41 22 BY MR. GETZ:

01:14:41 23 Q. If you could turn your attention to Government's Exhibit

-13:-08:-44 24 132E.

01:14:55 25 A. Okay.

-13:-08:-44 1 Q. What does that appear to be?

01:14:58 2 A. A business card.

01:15:00 3 Q. And what's it a business card for, or for whom?

01:15:04 4 A. For Darren L. Griffin of Direct Action Security, L.L.C.

-13:-08:-44 5 Q. Was this an item you found inside the wallet?

-13:-08:-44 6 A. Yes.

-13:-08:-44 7 Q. Was there anything written or any markings on the back

-13:-08:-44 8 of that business card?

-13:-08:-44 9 A. Yes.

01:15:38 10 Q. Could we see that, please? Was the writing on the back

-13:-08:-44 11 of that card there when you found it?

01:15:45 12 A. Yes.

01:16:07 13 Q. We'll go to the ELMO on that one.

01:16:19 14 Again, you listed these items on the inventory

01:16:22 15 sheet?

-13:-08:-44 16 A. Yes.

-13:-08:-44 17 Q. If you could find Government's Exhibit 132K. Have you

-13:-08:-44 18 found that?

-13:-08:-44 19 A. Yes.

-13:-08:-44 20 Q. Do you recognize that item?

-13:-08:-44 21 A. Yes, I do.

-13:-08:-44 22 Q. Can you tell us what that is?

-13:-08:-44 23 A. A receipt for property.

01:16:42 24 Q. Do you recognize your signature or writing anywhere on

-13:-08:-44 25 that document?

01:16:46      **1**      A. Yes.

01:16:48      **2**      Q. When is this document dated?

-13:08:-44    **3**      A. May 8, 2006.

01:16:52      **4**      Q. Do you recall if that's the date on which you put your

-13:08:-44    **5** name on it?

01:16:56      **6**      A. I believe so.

01:16:57      **7**      Q. Can you explain the circumstances under which you put

-13:08:-44    **8** your name on this document?

01:17:03      **9**      A. We had received a subpoena for the wallet and contents.

-13:08:-44    **10** And this receipt was given at the time the wallet was turned

-13:08:-44    **11** over as part of that subpoena.

01:17:19      **12**      Q. Did someone come to your office to receive that item,

-13:08:-44    **13** the wallet?

-13:08:-44    **14**      A. Yes.

-13:08:-44    **15**      Q. And the contents?

-13:08:-44    **16**      A. Yes.

-13:08:-44    **17**      Q. Can you recall who that was?

-13:08:-44    **18**      A. Mark Beneski.

01:17:28      **19**      Q. Is he an employee of the FBI?

-13:08:-44    **20**      A. Yes.

-13:08:-44    **21**      Q. Special Agent?

-13:08:-44    **22**      A. Yes.

01:17:32      **23**      Q. Did you know Special Agent Beneski prior to that date?

01:17:37      **24**      A. No, I don't believe so.

01:17:42      **25**      Q. At that time did you turn the wallet over to the FBI?

-13:-08:-44 1 A. Yes.

-13:-08:-44 2 Q. And, again, that date was in May of 2006?

01:17:49 3 A. Yes.

-13:-08:-44 4 Q. Was that almost approximately one year after you had  
01:17:53 5 first received the wallet?

01:17:54 6 A. Yes.

01:28:49 7 (Recess taken).

-13:-08:-44 8 THE COURT: You remain under oath.

01:28:54 9 Ladies and gentlemen, we should be done by 3:00.

01:28:59 10 Go ahead.

01:29:01 11 BY MR. GETZ:

01:29:01 12 Q. If I could draw your attention to Government's Exhibit  
-13:-08:-44 13 132L.

01:29:08 14 A. Okay.

-13:-08:-44 15 Q. Did you find that?

01:29:10 16 A. Yes.

-13:-08:-44 17 Q. And could you tell us what that is?

-13:-08:-44 18 A. A copy of a check.

-13:-08:-44 19 Q. Is it the front and back of the check that you  
-13:-08:-44 20 referenced earlier that was left in the bank or was being cashed  
-13:-08:-44 21 by the customer at the bank?

01:29:23 22 A. Yes.

01:29:29 23 Q. Did the bank maintain a copy of that check in the course  
-13:-08:-44 24 of its regular business practices?

01:29:37 25 A. Yes.

-13:-08:-44 1 Q. Does that appear to be an accurate copy of that  
-13:-08:-44 2 particular item?

01:29:42 3 A. Yes.

01:29:48 4 Q. Looking at the screen, is that -- does that appear to be  
-13:-08:-44 5 the front of that check?

-13:-08:-44 6 A. Yes.

01:29:55 7 Q. And you had made reference in your testimony to a  
01:29:58 8 starter check being a type of check that may be received when  
-13:-08:-44 9 you first open an account?

-13:-08:-44 10 A. Yes.

-13:-08:-44 11 Q. And what are the things or what is it that primarily  
01:30:07 12 makes you able to identify this as a starter check?

01:30:10 13 A. There's no preprinted account name in the upper  
01:30:14 14 left-hand corner.

-13:-08:-44 15 Q. What is the date on this check?

-13:-08:-44 16 A. May 8, 2005.

01:30:22 17 Q. Can you read who the check is made payable to?

01:30:26 18 A. Mohammad Amawi.

01:30:27 19 Q. Is that the same person whose identification items  
01:30:31 20 appear to be in the wallet that was Government's Exhibit 132?

-13:-08:-44 21 A. Yes.

01:30:39 22 Q. Now, was this check, in fact, negotiated at Fifth Third  
01:30:45 23 Bank?

01:30:45 24 A. Yes.

-13:-08:-44 25 Q. And was it negotiated -- I think you indicated in your

-13:-08:-44 1 testimony that they were unable to allow the customer to cash  
-13:-08:-44 2 the check at the Dorr branch of the bank?

-13:-08:-44 3 A. Yes.

-13:-08:-44 4 Q. Was it cashed at another branch of Fifth Third Bank?

01:31:00 5 A. Yes.

-13:-08:-44 6 Q. Do you know or can you tell from the check, either the  
-13:-08:-44 7 front or back, on what date it would have been negotiated at  
-13:-08:-44 8 Fifth Third Bank?

-13:-08:-44 9 A. May 9, 2005.

01:31:10 10 Q. And was that the same date that the wallet was left in  
-13:-08:-44 11 the bank?

-13:-08:-44 12 A. Yes.

01:31:16 13 Q. And is there an endorsement on the back of the check by  
-13:-08:-44 14 the payee, the person who negotiated the check?

01:31:23 15 A. Yes.

01:31:24 16 Q. Does that appear to be this item here?

01:31:29 17 A. Yes.

01:31:44 18 Q. Now, were you ever made aware in your position as a  
-13:-08:-44 19 fraud investigator, or later in your position as a regional  
01:31:52 20 investigation manager for Fifth Third Bank, that there were any  
-13:-08:-44 21 other problems or issues involving the negotiation of that  
-13:-08:-44 22 check?

-13:-08:-44 23 A. No.

-13:-08:-44 24 Q. So there wasn't any concern or issues relative to the  
-13:-08:-44 25 purpose of that check or the fact that it was negotiated?

-13:-08:-44 1 A. Correct.

-13:-08:-44 2 Q. During the period between May 10, 2005 when you received  
-13:-08:-44 3 the wallet from the Dorr branch of the bank, that's Government's  
01:32:15 4 Exhibit 132, and May 8 of 2006 when you turned it over to the  
-13:-08:-44 5 FBI, which is approximately a year later, were you ever made  
-13:-08:-44 6 aware in your position as fraud investigator or regional  
01:32:28 7 investigation manager for Fifth Third Bank that anyone had ever  
-13:-08:-44 8 come to the bank and made a claim for that wallet?

01:32:36 9 A. No.

01:32:37 10 Q. And how do you know that? How do you know that no one  
-13:-08:-44 11 came to make a claim?

01:32:42 12 A. No one contacted me.

01:32:45 13 Q. And the wallet was maintained in your custody and  
-13:-08:-44 14 control until you turned it over to the FBI?

-13:-08:-44 15 A. Yes.

-13:-08:-44 16 Q. If anyone had made a claim for those items, at any time,  
01:32:57 17 would you have been the person who would have been notified in  
-13:-08:-44 18 your position at the bank?

01:33:01 19 A. Usually, yes.

01:33:03 20 Q. If someone else had been notified, since the wallet was  
01:33:07 21 in your custody and control, would you ultimately have been  
01:33:10 22 contacted or notified?

-13:-08:-44 23 A. Yes.

01:33:15 24 MR. GETZ: Just a moment, Your Honor.

01:33:19 25 No further questions. Thank you.

01:33:21     **1**                         THE COURT: Questions?

01:33:24     **2**                         MR. HARTMAN: Not from the El-Hindi team.

01:33:29     **3**                         MR. IVEY: First we'd like the Court to make a

01:33:32     **4** cautionary instruction.

01:33:34     **5**                         THE COURT: I think you just testified to this,

01:33:36     **6** after all of this, in terms of your inquiry and so forth, you

-13:-08:-44     **7** determined that there was nothing inappropriate or whatever

01:33:44     **8** about the check itself; is that correct?

-13:-08:-44     **9**                         THE WITNESS: We were not notified of any

01:33:49     **10** forgeries.

01:33:51     **11**                         THE COURT: Nothing wrong, improper, inadmissible

-13:-08:-44     **12** or illegal related to that check, anyway?

-13:-08:-44     **13**                         THE WITNESS: Correct.

01:34:04     **14**                         THE COURT: Ladies and gentlemen, I think parties

-13:-08:-44     **15** would agree with this. The check that Mr. Amawi presented to

-13:-08:-44     **16** the bank that day was a check on the AZ Travel account and it

01:34:15     **17** was being presented to the bank and the funds that it

01:34:23     **18** represented had been collected from customers of AZ Travel to

01:34:30     **19** take a trip on what's called the Hajj, which is an Islamic

-13:-08:-44     **20** pilgrimage. It's quite customary in that religion. You

-13:-08:-44     **21** should draw absolutely no negative or adverse inference of any

-13:-08:-44     **22** kind as to any of the defendants from the presentment of the

-13:-08:-44     **23** check.

-13:-08:-44     **24**                         It's my understanding -- Counsel correct me if I'm

-13:-08:-44     **25** wrong -- that the testimony of this witness is principally as to

-13:-08:-44 1 the chain of custody to show how the items that you saw  
01:35:01 2 displayed happened to come into the government's possession.  
-13:-08:-44 3 So there's nothing illegal or unlawful about anything you've  
-13:-08:-44 4 heard about in terms of how the check was presented or the  
01:35:17 5 wallet was left behind. She followed up as was her job to do  
-13:-08:-44 6 so. When found she contacted the FBI in normal course of  
-13:-08:-44 7 things. Then the government obtained possession of those  
-13:-08:-44 8 various items.

-13:-08:-44 9 MR. MILLER: With the Court's permission the  
-13:-08:-44 10 government would move for the admission of the series of  
01:35:35 11 exhibits 132 through 132I.

-13:-08:-44 12 THE COURT: Any objection?

01:35:39 13 MR. IVEY: No.

01:35:41 14 THE COURT: It will be admitted. You may cross.

01:35:41 15 - - -

01:35:41 16 KELLY DORAN, CROSS-EXAMINATION

01:35:52 17 BY MR. IVEY:

01:35:52 18 Q. I think you indicated no one came to claim the wallet?

01:35:56 19 A. Correct.

-13:-08:-44 20 Q. I think you said you found the FBI agent's number and  
-13:-08:-44 21 you called the FBI agent whose name was on the card in the  
01:36:04 22 wallet, correct?

-13:-08:-44 23 A. Correct.

-13:-08:-44 24 Q. Was there any effort made to call Mr. Amawi?

-13:-08:-44 25 A. By the branch, yes.

-13:-08:-44 1 Q. Was any letter or anything sent out to the address of  
-13:-08:-44 2 the ID to Mr. Amawi about his wallet being at the branch?

01:36:18 3 A. I don't believe there were addresses found in the  
-13:-08:-44 4 wallet. No letters were sent.

01:36:23 5 MR. IVEY: Thank you. I have nothing further.

01:36:30 6 THE COURT: Any redirect?

01:36:35 7 MR. GETZ: No, Your Honor. Thank you.

-13:-08:-44 8 THE COURT: You're free to go. Thank you.

01:36:53 9 Okay. Ladies and gentlemen, I doubt whether this  
01:36:59 10 makes up for starting late with some regularity, but we'll  
-13:-08:-44 11 adjourn early this afternoon. There will be no court tomorrow,  
-13:-08:-44 12 for reasons I explained earlier. If you could be available at  
-13:-08:-44 13 noon on Tuesday, it may be a little later than that, but I'll do  
-13:-08:-44 14 the best I can. I learned the meeting I have to attend cannot  
-13:-08:-44 15 start earlier. In any event, I'll be in touch to let you know  
-13:-08:-44 16 ultimately when we start. I hope you enjoy your long weekend.

01:37:31 17 Please don't talk about the case, refrain from  
01:37:35 18 allowing yourselves to read or view or listen to any publicity  
-13:-08:-44 19 about the case. If any of that stuff has come to your  
01:37:41 20 attention, I have no doubt that you all are doing the very best  
-13:-08:-44 21 you can to avoid any of that stuff. In any event, I also have  
-13:-08:-44 22 no doubt that you all understand full well whatever may come to  
-13:-08:-44 23 your attention outside the courtroom is not evidence and cannot  
01:37:59 24 influence your judgment in any way. And once again I remind  
-13:-08:-44 25 you: Don't talk about the case. In fact, don't even think

-13:-08:-44 1 about the case.

-13:-08:-44 2 Have a safe trip home. I'll see you next Tuesday

-13:-08:-44 3 at noon time. Thank you very much.

4 (Adjourned at 2:46 p.m.)

5 - - -

6

7 C E R T I F I C A T E

8

9 I certify that the foregoing is a correct transcript from the  
10 record of proceedings in the above-entitled matter.

11

12 /s Tracy L. Spore

13 Tracy L. Spore, RMR, CRR

Date

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**1**

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